

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Juan Mora,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	Case No. 1:07-cv-023
State of North Dakota,)	
)	
Defendant.)	

The plaintiff, Juan Mora, filed this pro se civil rights action under 42 U.S.C. § 1983 on March 23, 2007. Magistrate Judge Charles S. Miller, Jr. conducted an initial review of Mora's complaint as mandated by 28 U.S.C. § 1915A, and submitted a Report and Recommendation. Judge Miller recommended that Mora's challenge to the length of his sentence and request to proceed in forma pauperis be denied without prejudice and that the remainder of his complaint be dismissed without prejudice because it is unintelligible. Mora was then given ten (10) days to file an objection to the Report and Recommendation. No objection was filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 4) in its entirety, and Plaintiff's complaint is **DISMISSED** without prejudice. The Court certifies that any appeal would be frivolous, could not be taken in good faith, and may not be taken in forma pauperis. The Court further certifies that Mora has failed to make a substantial showing of the denial of a constitutional right and will not grant a certificate of appealability.

IT IS SO ORDERED.

Dated this 18th day of April, 2007.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court